IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.96 OF 2005

IN

SUMMARY SUIT NO. 3253 OF 2003

Mohammed Iqbal Warras and Ors. .....Plffs.
vs.
Gulamraza Mohammedali Babul
and Ors. .....Defnds.

Rushabh Shah i/b. Banatwala and Co.
for the plaintiffs.
Arif Bookwala i/b. S.H. Patel
for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 27th October, 2005.

P.C. :.

1. By an order dated 19.10.2005 the suit as well as Summons for Judgment were referred to the arbitration of Rajani Iyer and or failure to some other person. Learned counsel for the plaintiff now states that he is not willing to go the arbitration. In my opinion once the order having

been passed the matter does not survive any further. Both Summons for Judgment as well as suit disposed off accordingly interms of the order dated 19.10.2005.

2. In view of the suit itself being disposed off the Notice of Motion no. 3079 of 2003 does not survive. The same is dismissed as infructious. Court Receiver, if appointed stands discharged.

sd/-

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